

BOARD OF SELECTMEN

June 8, 2010

Minutes

The Board of Selectmen met on Tuesday, June 8, 2010 in the Town Hall Clark Room. Those present were Selectmen John D. Williams, Douglas A. G. Stevenson, William R. Tice, Jr., Peter Scavongelli, and John Gorecki. Town Administrator Timothy D. Goddard was also present.

The meeting was called to order at 7:00 p.m.

Mr. Williams said he would like to thank the Celebrations Committee for the wonderful work they did for the Memorial Day Event. He also thanked guest speaker Chuck Bagnaschi who gave a very heartfelt and moving talk about his time in Viet Nam.

Mr. Williams said he called Betty Ann Saef of Lowell and expressed the Boards sympathy to her for the loss of her son, John Denaro who was a resident in the Town of Carlisle.

Town Administrator Report

Cami Lamica Director of Business and Operations at the Minuteman Regional Vocational Technical School and Mariellen Perugini, Minuteman Regional School Representative were present to talk about the status of the School's feasibility request. Ms Lamica said fifteen of their sixteen member towns have either voted to approve Minuteman's request for a \$725,000 feasibility study (less the 40% funded by MSBA), or chose not to put it on their Town Meeting Warrant and therefore approved the request through the 'non-disapproval' method. She said the Town of Belmont voted not to approve the request by 21 votes at their Town Meeting. Ms Lamica said the Superintendent has been working with the Towns of Belmont and Arlington and the MSBA. On May 26th an agreement to move forward was made based on the May 3rd letter from MSBA and the Town of Arlington's Town Meeting motion of May 17th. However because Belmont's Town Meeting was over, the Minuteman School Committee had to develop another method to continue this process. Therefore on June 15th the School Committee is asking each member town to hold another Town Meeting to vote on a slightly different amount. She provided the vote to authorize the High School Feasibility Study, noting the last paragraph is the only change and it references Article 58 from the Arlington Town Meeting. [Attached hereto] She said a Town Meeting is not required, but by taking no action, the non-disapproval will go into effect as an affirmative vote from the Town within 60 days after the vote of the school committee. Mr. Scavongelli asked if the primary purpose for this meeting was to put the Town on notice that they have the option of holding another Town Meeting which could generate a no vote.

She said the School Committee and the Minuteman administration support this approach as it allows them to move forward with the Feasibility Study in partnership with the Towns and MSBA. The alternative is risking losing the 40% reimbursement from MSBA for this project. Mr. Williams thanked them for their time and information.

Mr. Goddard said the Board has been asked to pay the invoice from Mason & Associates, Inc. for additional wetlands flagging and delineation work in connection with the Benfield Farms project. He said after a discussion with the Town Accountant, it was agreed that these professional services would be appropriately charged to the Selectmen's CPA Fund Account reserved for this purpose. Mr. Goddard noted that the current balance of \$10,442 is sufficient to cover this invoice. On a motion made by Mr. Tice and seconded by Mr. Scavongelli, it was unanimously **VOTED** that the Board of Selectmen will pay the invoice from

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Mason & Associates, Inc. in the amount of \$2,030.50 from Acct. No. 65000-58105, Benfield Professional Expenses.

Mr. Goddard said he has done research on the question as to whether the Highland Building Stabilization Project would trigger a Site Plan Review process. He said he spoke with Building Commissioner John Luther and he has reviewed Section 7.6 of the Zoning Code which defines projects that are subject to Site Plan Review. He has concluded that at this time the Highland Building Project does not require a Site Plan Review, however, as far as future use is concerned, this issue may need to be addressed. The Board agreed that they have not triggered a Site Plan Review at this time.

Mr. Goddard said he attended the LRTA Advisory Board meeting on Thursday, May 27th and he was happy to report that the Advisory Board voted to allow Carlisle to join the LRTA. He explained that the Town will be working closely with the LRTA staff to set up statistical monitoring and transportation protocols for our Council on Aging transportation service. Mr. Goddard said this is good news, and it will provide our seniors with enhanced transportation service at a lower cost to the Town.

Mr. Goddard said the Friends of the Council on Aging have asked if they could use the Town Common for an outdoor concert on Labor Day, Monday, September 6, 2010. He said they have received permission from the First Religious Society. Mr. Goddard noted that the event is a fundraiser for the COA's fuel assistance program. On a motion made by Mr. Tice and seconded by Mr. Scavongelli, it was unanimously **VOTED** to give permission to the Friends of the Council on Aging to use the Town Common on Monday, September 6, 2010 for an outdoor concert with the understanding that the First Religious Society has also granted permission and that the Friends of the COA will contact both the Police and Fire Departments to coordinate public safety efforts in support of this event.

Mr. Goddard said the Carlisle Public School Committee has approved the attached list of outdated equipment for disposal. He said the next step is for the Selectmen to approve these items so their Tech team can dispose of them. In reply to Mr. Tice, Mr. Goddard said the surplus equipment is given to the company that repairs the Schools' equipment in return for credit on parts and repairs. Sometimes it is donated to areas like New Orleans after floods. Mr. Tice requested that the projector in the back of the room also be included with the surplus items. On a motion made by Mr. Tice and seconded by Mr. Stevenson it was unanimously **VOTED** to approve the equipment surplus list dated May 14, 2010 submitted by the Carlisle Public Schools with the addition of the black overhead projector located on the cabinet in the back of this [Clark] room for surplus. (list attached hereto)

Mr. Goddard said the School Committee has recommended that Mary Storrs be appointed to the Highland Building Committee, representing the School Committee. On a motion made by Mr. Stevenson and seconded Mr. Tice, by it was unanimously **VOTED** to appoint Mary Storrs to the Highland Building Stabilization Committee for a term that will expire June 30, 2010.

Mr. Goddard said the Board has received notice that Dillon John Mariano and Timothy Albert Lamere will become Eagle Scouts at a ceremony on June 27th at the Carlisle Public School Auditorium at 2:00 pm. Mr. Goddard said letters recognizing their accomplishment have been prepared for the Board to sign. Mr. Stevenson said he would gladly attend the ceremony on June 27th.

Larry Bearfield – BYOB

Mr. Williams said Larry Bearfield, Robin Emerson and Attorney David Galvin were present to discuss the BYOB policy. Mr. Williams said this brought up the question of inside dining. He said the 2008 Site Plan Review did not include indoor dining which means we need to establish or modify the Site Plan Review. Mr. Bearfield said he was aware that the Certificate of Decision for the Site Plan Review with this issue. He said that the Board of Selectmen voted on this decision on Sept. 23, 2008, which included Condition #8, that stated that 'the applicant shall satisfy all public water supply and public restroom requirements with the Board of Health prior to the installation of any eat-in seating area'. He said he has those approvals from DEP. He said after this meeting he will be attending the Board of Health meeting.

Mr. Williams said Mr. Bearfield was clear that he wanted a dining room, however it was not approved. A letter from the Board of Health stated that a public water supply and public bathroom requirements had to be addressed. Mr. Williams said we have to address the seating issue first before we address the BYOB matter.

Mr. Gorecki said the Alcohol Beverage Control Commission (ABCC) says that you cannot have BYOB in an establishment that has a Beer and Wine License.

Mr. Bearfield said the original plan submitted on August 10, 2008 included the indoor seating and the Concord Board of Health, who the Town had contracted to review the plans, said because he did not have a public water supply they objected to the indoor seating. Mr. Bearfield said he then took the seating off the plans and re-submitted the plans on Sept. 8th. He said from there they went forward with the process. Mr. Williams said that was what was approved; the plans without the seating. He said what we approved was a plan without seating inside. Mr. Williams said the Board has to expeditiously amend or modify the site plan to allow for that. He said perhaps we could do this without a new application.

Mr. Stevenson said this condition that Mr. Bearfield has noted gives bearing that we contemplated the 'eat in' seating area. He said we could amend the Site Plan Review application, pending approval of the Board of Health, or we could go through the entire process, which is not a good idea, or expeditiously amend the site plan review. Michael Epstein, vice chair of the Planning Board said when they were reviewing the Site Plan Review application it did not include indoor seating. He said it was clear that at sometime in the future Mr. Bearfield would be seeking that, however the application before them did not state that. He said the other Boards that were reviewing this application at that time were not addressing that particular issue. He said the Planning Board minutes do not reflect that and neither does their memorandum to the Board of Selectmen. Mr. Epstein went on to say that in regard to Site Plan review, this is an intensification of use in a non-residential building.

In reply to Mr. Williams as to what he would suggest at this point, Mr. Epstein proposed a new application with a very narrow scope. He said we are not dealing with a build-out, but just a question of use. He said we could get input from other Boards and Committees and the Police and Fire Chief in short order, perhaps thirty-five days. Mr. Tice asked what we anticipate to receive back from the Boards and Committees. Mr. Epstein said just because we might not yield any result does not mean we should not go through a process. He said you cannot anticipate what others will say. The process is in place for a reason.

Mr. Williams asked the Board what their thoughts were about starting the process now. Mr. Stevenson suggested looking at the options. He said we could agree that Condition #8 allows for indoor seating upon the approval of the Board of Health. Secondly, we could make a determination that the indoor seating is not a more intense use. Thirdly, accordingly to our bylaws the Board of Selectmen has the power to amend the approval of the site plan. The fourth option would be to ask the applicant to apply for an amendment.

Mr. Epstein said if the Board did not want to go through a site plan approval, then he suggested they open this issue to public comment and input. Mr. Williams said he was agreeable with this idea; that is, having some additional input. Mr. Gorecki said the Board has not really heard all of the details that would signal an intensified use, such as what the hours will be, how long Ferns will be open at night, and will this be mainly at night? He said he would like to hear the Planning Board's view on this matter. Mr. Williams said he would like to put this on a future agenda. Mr. Tice said we should schedule this at the next meeting. Mr. Epstein said he did not think a two week notice was enough time for everyone to gather an opinion. Mr. Williams asked the Town Administrator to work with the boards and committees and taking into consideration summer schedules, set up this type of meeting as soon as possible.

Mr. Tice said he did not want to prolong this meeting. Mr. Williams said we need to coordinate with the Planning Board. It was then learned that the Planning Board was meeting on June 21st. Mr. Epstein said they could have a report to the Selectmen for their June 22nd meeting. Mr. Williams said the Board will schedule the Fern's matter on June 22nd. Mr. Scavongelli asked if an approved public water supply is a condition precedent to indoor seating. In other words, if there is an approved public water supply, would indoor seating be automatically allowed? Mr. Stevenson said condition #8 states that the 'applicant shall satisfy all public water supply and public restroom requirements with the Board of Health prior to the installation of any eat-in seating area'. Mr. Scavongelli said why can't that be interpreted as the condition

precedent? Mr. Tice agreed with that. Mr. Williams said what you are now suggesting is not to wait for input, but make that decision now. Mr. Williams said we have two options; make a decision with the input at our June 22nd meeting, giving the Planning Board input into this or if there is a motion to move ahead now.

On a motion made by Mr. Stevenson and seconded by Mr. Tice, it was **VOTED 3 yes 2 no**, that according to Section 7.6.8 of the Carlisle Zoning Bylaws, it is determined that the Site Plan review approval process shall include indoor seating for Carlisle Center Ventures, LLC upon approval of the Board of Health.

The next discussion was the BYOB or “Carry –In Policy”. Mr. Bearfield said several surveys that have been taken in the Town have indicated the desire for a place to gather and socialize. He said the idea of having a Pub in the Town is very unlikely, however there are other venues, such as BYOB, or carry – in, that are possibilities. Mr. Bearfield said he has engaged Attorney Galvin to research this issue with Mass. Alcohol Beverage Control Commission (ABCC) to find out the way the laws work. Mr. Bearfield said the Board of Selectmen is the Local Licensing Authority. Attorney Galvin explained to the Board that the Commonwealth of Massachusetts allows local establishments through their local control, (BOS) to have citizens carry in alcoholic beverages for consumption. Attorney Galvin prepared a draft Policy on Carry-In (BYOB) at Carlisle Establishments for the Board to review.

Mr. Gorecki said it was his understanding that you could not have two licenses at the same establishment. This matter will be researched further.

Mr. Bearfield said he did not want the BYOB to be looked at as only a Fern’s issue, but a Town-wide policy. He said this is a starting point. It’s not just about Fern’s but the whole Town could benefit from this policy. He read through the conditions that were in the above draft policy.

Mr. Tice asked if the Board was ready to establish a policy and what would be the implications?

Mr. Scavongelli asked what Mr. Bearfield’s expectations were for tonight. Mr. Bearfield said he wanted to bring this matter to the Board’s attention and hear their thoughts and comments. Mr. Williams asked if Mr. Bearfield would consider this to be an intensification of use. His reply was no. Mr. Bearfield said he is giving the citizens what they asked for. They will be eating at that the store and they can sit down and have a glass of wine at the same time. He said they are not coming just to drink, because there is no bar. Mr. Williams said he wanted to have additional information on what other people do in this situation. Mr. Stevenson said if we are going to adopt a policy we need more information. Mr. Tice said the policy should be clear and simple. This matter will be discussed at a future meeting.

Finance Director – Discussion of Trust Bonds

Finance Director Larry Barton was present with Town Clerk Charlene Hinton to ask the Board to approve and sign the Bond Anticipation Note for one million dollars. He said the last time he was present with the Board they gave him authorization to move ahead with the sale of a \$1million BAN for the School Building Project. Larry said the issue date of the BAN is June 16, 2010, at a 1.1% interest rate (Eastern Bank) and it will mature on February 16, 2011. Larry said the reason he did not take this BAN out for an entire year is because he anticipates needing additional funds to fund the School Building Project.

On a motion made by Mr. Stevenson and seconded by Mr. Tice it unanimously **VOTED** to approve the issuance of a \$1million bond anticipation note dated June 16, 2010, maturing February 16, 2011 for the purpose of the School Building Project.

Trust Fund Discussion

Mr. Williams said presently there is approximately \$263,000 in various funds under the Board of Selectmen’s authority; \$64,000 is under the Carlisle Public School’s authority and \$260,000 is for the Gleason Library. He said in total there is \$587,000 in various trust funds. Mr. Williams said some of these funds are earning less than 1% in interest. He said he felt there was a need for a more prudent investment policy. Mr. Williams said we need to understand these policies and to research ways of raising more money. Larry Barton said we have an investment policy that addresses the trust funds as well as investment of general funds. He said his job is the safety of the principal of the funds and the liquidity of the funds.

Larry said he would welcome the opportunity to work with a group of people; that is a selectman and a FinCom member, to take a harder look at the investment policy that we have and to think of alternative types of investments for the trust funds and capital project funds. Mr. Williams said he would be happy to be apart of this group. He said tonight the Board could agree to create the Investment Committee. Mr. Williams will write a brief charter for the committee.

Liaison Reports

Mr. Tice asked if the Board and public that were listening for comments on what they would like to see more out of CCTV.

Mr. Stevenson said the negotiations for the CCHS Teacher's Contract and the Contract Carlisle Police are still ongoing.

In regard to the Memorial Day Celebration, Mr. Stevenson thanked Mr. Williams for the great job he did as Master of Ceremonies.

Mr. Stevenson said in a recent conversation with Deb Belanger, he was informed that the current members of the Pedestrian and Bike Safety Advisory Committee do not wish to be re-appointed. Deb told him that there is \$85,000 to be spent on the priority list of pathway projects. Deb suggested that in terms of maintenance of the pathways, the Board of Selectmen should set up a clearer maintenance schedule. She was hopeful that the Board would re-establish the Pathways committee. Deb also suggested that the Bike and Pedestrian Committee interact with the Traffic Safety Advisory Committee.

Minutes

On a motion made by Mr. Tice and seconded by Mr. Gorecki, it was **VOTED 4 – 0** – abstaining to approve the minutes to the May 25, 2010 Board of Selectmen meeting.

Adjournment

The meeting adjourned at 9:30 p.m.

Respectfully submitted by Margaret M. deMare